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Butzel Long attorney Rebecca Davies quoted in Crain's Detroit Business article, "Coronavirus questions: Can employers take a worker's temperature?"

Crain's Detroit Business
3.17.2020

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Labor and Employment

The coronavirus outbreak has upended workplaces where employees work alongside each other every day, sometimes fighting coughs and colds.

That has raised a series of new legal quandaries for employers to consider as they try to maintain operations, particularly for manufacturing facilities that remain open in Michigan after Gov. Gretchen Whitmer ordered Monday the closure or restricted operations of a vast array of public accommodation businesses.

Whitmer also has ordered hospitals and nursing homes to begin screening employees and denying their entry if they display "symptoms of a respiratory infection, such as fever, cough, shortness of breath or sore throat."

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Can other businesses go further by requiring temperature checks for employees or contractors entering their premises?

"I'm not a big fan of that," said Rebecca Davies, a labor and employment attorney at Butzel Long. "If you start taking people's temperatures, that's a medical inquiry and could violate the (Americans with Disabilities Act)."

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